

RESOLUTION NO. 74624

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A NEW COUNCIL POLICY ENTITLED “PRIVATE SECTOR GREEN BUILDING POLICY” FOR NEW CONSTRUCTION

WHEREAS, on October 30, 2007, City of San José (“City”) adopted Green Vision, establishing 10 ambitious goals for reducing the City’s carbon footprint, one of which, Goal No. 4, specifically states that over the next 15 years, 50 million square feet of buildings built or retrofitted in the City shall be “green;” and

WHEREAS, part of the Green Vision Implementation Plan (“Plan”) was the development of a private sector green building policy, which was presented and accepted by Council on February 1, 2008; and

WHEREAS, the Plan laid out a policy development for the private sector in two phases: Phase I would be applicable to all new construction and major renovation, and Phase II would be applicable to all retrofit projects; and

WHEREAS, on April 7, 2008, the Transportation and Environment Committee accepted the status report on the development of the City’s green building policy for private development; and

WHEREAS, Council, on April 22, 2008, adopted recommendations from the Santa Clara County Cities Association to recognize Build it Green’s GreenPoint Rated and US Green Building Council’s LEED green building rating systems as standards for new residential and non-residential construction, and to incorporate the use of a green building checklist for planning applications; and

WHEREAS, City desires to approve the “Private Sector Green Building Policy” for new construction to enhance the public health, safety and welfare of San José residents, workers and visitors by fostering practices in design construction and maintenance that will minimize the use and waste of energy, water and other resources, as amended by Councilmember Chirco’s motion to eliminate increased performance standards to go into effect in 2012;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

A new City Council policy entitled "Private Sector Green Building Policy" for new construction which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein, is hereby approved.

ADOPTED this 7th day of October, 2008, by the following vote:

AYES: CHIRCO, CHU, CONSTANT, CORTESE, LICCARDO,
NGUYEN, OLIVERIO, PYLE, REED.

NOES: None.

ABSENT: CAMPOS, WILLIAMS.

DISQUALIFIED: None.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A

City of San José, California COUNCIL POLICY

TITLE Private Sector Green Building Policy	PAGE 1 of 3	POLICY NUMBER 6-32
EFFECTIVE DATE	REVISED DATE	
APPROVED BY COUNCIL ACTION		

PURPOSE

This policy establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This Policy is intended to enhance the public health, safety and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water and other resources in the City of San Jose.

The green building standards required by this policy are intended to advance greenhouse gas reduction and other sustainability strategies outlined in the City's Green Vision. Green building reduces per capita energy use, provides energy from renewable sources, diverts waste from landfills, uses less water and encourages the use of recycled wastewater. Green building also encourages buildings to be located close to public transportation and services and provide amenities that encourage walking and bicycling and therefore offer further potential to achieve a healthy, environmentally sustainable city.

BACKGROUND

In 2001, the City Council of the City of San José first adopted a Green Building Policy (Policy No. 8-13), and in March 2007, City Council amended the Green Building Policy to mandate that City and Agency facilities over 10,000 square feet attain a LEED Silver certification through the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) program, and to encourage green building in the private sector.

On October 30, 2007, City Council adopted San José's Green Vision, establishing 10 bold goals for the City that serve as a roadmap for reducing the carbon footprint of the City of San José by more than half. Green Vision Goal No. 4 specifically states that over the next 15 years, 50 million square feet of buildings built or retrofitted in the City shall be "green". The City estimates that approximately 2 million square feet of municipal buildings will be certified green buildings by 2022.

In April 2008, City Council adopted recommendations from the Santa Clara County Cities Association to recognize Build It Green's (BIG) GreenPoint Rated (GPR) and USGBC's LEED green building rating systems as reference standards for new residential and non-residential construction, and to incorporate the use of a green building checklist for planning applications. City Council adopted these recommendations in order to promote regional consistency, raise awareness of green building practices, and to make progress on Green Vision Goal No. 4.

POLICY

This policy requires that Applicable Projects achieve minimum green building performance levels using the Council adopted reference standards as specified in Table 1. This policy applies to

City of San José, California

TITLE Private Sector Green Building Policy	PAGE 2 of 3	POLICY NUMBER 6-32
---	-----------------------	------------------------------

those development projects meeting the thresholds for Applicable Project, that first make application for a development permit to the Planning Division on or after January 1, 2009. For all other covered development projects for which permit applications were received prior to January 1, 2009, the standards shall become applicable unless a development permit has been approved prior to July 1, 2009.

New development projects subject to a mandatory green building standard shall demonstrate compliance with this Policy by submitting verification documents from USGBC or Build It Green to the Director of Planning, Building and Code Enforcement. The project proponent may determine the particular LEED or BIG rating program for their project.

Applicable Project	January 1, 2009
Commercial/Industrial - Tier 1	< 25,000 square feet = LEED NC Checklist
Commercial/Industrial - Tier 2	≥25,000 square feet = LEED Silver
Residential < 10 units Tier 1	< 10 units = GreenPoint or LEED Checklist
Residential ≥ 10 units Tier 2	≥10 units = GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75' or higher)	LEED Certified

For mixed-use projects, only that component of the project triggering compliance with the policy shall be required to achieve the applicable green building standard.

The Director of Planning, Building, and Code Enforcement shall ensure implementation guidelines and practices are developed and maintained to provide sufficient direction and clarity to carry out this policy in an efficient and accountable manner.

IMPLEMENTATION

In order to implement the Policy, the City will by ordinance create mandatory construction standards that utilize the LEED and Green Point Rated rating systems. The ordinance will establish a process for situations where the project proponent believes that circumstances exist that make it a hardship or infeasible for a project to fully meet the green building requirements,

City of San José, California

TITLE Private Sector Green Building Policy	PAGE 3 of 3	POLICY NUMBER 6-32
---	-----------------------	------------------------------

whereby they may apply to the Director for an exemption or alternative method of compliance when making application for a development permit. The Director shall consider the particular circumstances of the project to determine if the green building standard may be waived or a less stringent standard may be required.

DEFINITIONS

Applicable Project - Projects meeting the size criteria established in Table 1 of this Policy.

Build It Green - A non-profit membership organization whose mission is to promote healthy, energy- and resource-efficient building practices in California. Build It Green publishes New Home Construction Green Building Guidelines, the New Home GreenPoints Checklist, and the Multi-Family GreenPoints Checklist.

Green Building - A whole systems approach to the design, construction, location, and operation of buildings and structures that helps to mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water, and other natural resources and promote a healthy, productive indoor environment. A green building meets the criteria of the Council adopted reference standards.

Green Point Rated - Administered by Build It Green, GreenPoint Rated is a green building rating system which can be used to assess the environmental characteristics of a home. GreenPoint Rated assigns point values to recommended practices based on their benefits to the homeowner and the environment. If a home meets minimum point requirements in each category and scores more than 50 total points, it earns the right to bear the GreenPoint Rated label.

LEED - The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance green buildings. The LEED system offers levels of certification for new construction referred to as Certified, Silver, Gold, and Platinum.

U.S. Green Building Council - The U.S. Green Building Council is a non-profit community of leaders working to make green buildings available to everyone within a generation.

Verification - Submission of documents from USGBC or Build It Green stating that the completed project has achieved the minimum number of points or required level of certification under its' respective rating system.